



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,198	06/20/2001	Augustin T. Chen	393325	5726
7590	04/26/2005		EXAMINER	
Kenneth D. Goetz Lathrop & Gage, LC Suite 2800 2345 Grand Boulevard Kansas City, MI 64108			SASTRI, SATYA B	
			ART UNIT	PAPER NUMBER
			1713	
DATE MAILED: 04/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/885,198	CHEN ET AL.
Examiner	Art Unit	
Satya B. Sastri	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 March 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 22,24,27 and 29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 22, 24, 27, 29 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's amendment filed March 24, 2005, has been fully considered with the following results. The amendment is not found persuasive for the reasons elaborated below in arguments. Therefore, the rejection of claims 22, 24, 27 and 29 under 35 U.S.C. 102(b) as anticipated by or, in the under 35 U.S.C. 103(a) as obvious over Morris et al. (US 5,514,122) set forth in previous office action mailed October 6, 2004 is sustained.

*Response to Arguments*

2. With regard to the preamble in claim 22, it is the examiner's position is that the properties (transfer coatable, removable and repositionable) recited in the claim do not necessarily exclude the adhesive composition taught by the reference.

3. Applicants argue that the prior art to Morris et al. does not teach an aqueous adhesive composition having an aqueous suspension of microspheres produced by a process of using non-free radically polymerizable acid. In the office rejection dated October 6, 2004, it was asserted that applicants are to establish an unobvious difference over the product produced by a different method. Applicants assertion is not persuasive as there is not data to prove that the process produces a different product. The tables 4-7 referred to use compositions comprising various amounts of microspheres and binder resins or by using of commercially available binders. There

is no side by side comparison of a process that uses the process as claimed in the instant invention and the process disclosed in column 4, lines 58-67 and column 5, lines 1-12.

4. With regard to the composition, the prior art teaches hollow and solid microspheres derived from acrylic monomers. Preferred monomers are alkyl acrylates in amounts of at least 75% by weight, and at least one polar monomer such as mono-olefinic mono and dicarboxylic acids in amounts of up to 25% by weight (column 7, lines 3-14).

5. Claim 27 recites an article with a face stock material having an adhesive composition of claim 22. Prior art to Morris et al. discloses a feminine hygiene pad with an adhesive composition on the surface of the backing. It is the examiners position that the disclosed article includes a face stock material with the adhesive composition of the instant invention.

***Action Is Final***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Future Correspondence***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SATYA SASTRI

April 19, 2005

TATYANA ZALUKAEVA  
PRIMARY EXAMINER

